

EXHIBIT A

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1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04 11402 NMG

CYCLE-CRAFT CO., INC., D/B/A
BOSTON HARLEY-DAVIDSON/BUELL,

Plaintiff,

vs.

HARLEY-DAVIDSON MOTOR COMPANY, INC.
AND BUELL DISTRIBUTION COMPANY, LLC,

Defendants.

Rice Pugatch Robinson & Schiller, P.A.
33 N.E. 2nd Street
Suite 101
Fort Lauderdale, Florida
Friday, February 25, 2005
Scheduled for 1:00 a.m.
Commenced at 1:13 p.m. to 3:05 p.m.

VIDEOTAPED DEPOSITION
OF
MICHAEL STEVENS

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	2		4
	3		5

15 COURT REPORTER: Could you raise your right
16 hand, please? Do you solemnly swear to tell the
17 truth, the whole truth, and nothing but the truth,
18 so help you God?
19 THE WITNESS: I do.

2 (Pages 2 to 5)

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<p>6.</p> <p>19 Q. You've just been sworn in. Your 20 testimony's being taken under oath and you're legally 21 obligated to give testimony – truthful testimony, do 22 you understand that?</p> <p>23 A. I do.</p> <p>24 Q. Okay. Could you state your home address 25 for the record, please?</p>	<p>8</p> <p>1 regards to sales? 2 A. To sell. 3 Q. And who was your supervisor at Petersons, 4 do you recall? 5 A. Mike something. I don't remember his last 6 name. 7 Q. And how long did you work at Petersons? 8 A. About six months. 9 Q. And did you take another position after 10 that? 11 A. Yes. 12 Q. And where did you work after Petersons? 13 A. Fort Lauderdale Harley Davidson. 14 Q. And what was your position at 15 Fort Lauderdale? 16 A. Sales, also. 17 Q. And how long did you work at 18 Fort Lauderdale? 19 A. Up til about two and a half years ago, 20 maybe, three years ago, two years. 21 Q. Do you recall the month and the year that 22 you left Fort Lauderdale Harley Davidson? 23 A. No, no. 24 Q. Do you recall the year that you left 25 Fort Lauderdale Harley Davidson?</p>
<p>7.</p> <p>1 A. 511 Southwest 19th Street, Fort Lauderdale, 2 Florida.</p> <p>3 Q. And what is your date of birth?</p> <p>4 A. 11-1-67.</p> <p>5 Q. And what is your social security number?</p> <p>6 A. 018-56-7552.</p> <p>7 Q. And have you ever lived in Massachusetts 8 before?</p> <p>9 A. Yes.</p> <p>10 Q. And what years did you live in 11 Massachusetts?</p> <p>12 A. Up until 1997, most my life.</p> <p>13 Q. And in 1997, where did you move?</p> <p>14 A. Southern Florida.</p> <p>15 Q. In the Fort Lauderdale area?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Did you take employment in the 18 Fort Lauderdale area in 1997?</p> <p>19 A. Miami.</p> <p>20 Q. In Miami. Where did you work in 1997 in 21 Miami?</p> <p>22 A. Peterson's Harley Davidson.</p> <p>23 Q. And what was your position at Peterson's?</p> <p>24 A. Sales.</p> <p>25 Q. And what were your responsibilities with</p>	<p>9</p> <p>1 A. Probably '02.</p> <p>2 Q. So you worked at Fort Lauderdale Harley 3 Davidson from sometime in 1997 to sometime in 2002?</p> <p>4 A. Right.</p> <p>5 Q. And what was your next position after 6 Fort Lauderdale Harley Davidson?</p> <p>7 A. I worked for two months for DC Imports.</p> <p>8 Q. In a prior deposition there's testimony 9 concerning two entities, one was called DC Imports, 10 Inc. and one was called DC Imports International, Inc. 11 Do you know which of those you worked for? Did you 12 work for both of them?</p> <p>13 A. I would assume Inc., not International, 14 because one is a registered importer and the other one 15 was a wholesale distributor.</p> <p>16 Q. Okay. Do you recall who paid your salary?</p> <p>17 A. Debbie and Miss Cooke, Diane Cooke.</p> <p>18 Q. And when you say Debbie, do you recall her 19 last name?</p> <p>20 A. No, not offhand.</p> <p>21 Q. And when you said Ms. Cooke, what is her 22 full name?</p> <p>23 A. Diane Cooke.</p> <p>24 Q. And Diane Cooke -- and if I represented to 25 you that it was Debbie Lunsford, does that refresh</p>

3 (Pages 6 to 9)

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<p>1 your memory?</p> <p>2 A. Yes.</p> <p>3 Q. So Debbie Lunsford and Diane Cooke, were</p> <p>4 they your supervisors?</p> <p>5 A. They were the owners.</p> <p>6 Q. They were the owners of DC Imports?</p> <p>7 A. Right.</p> <p>8 Q. Who was your supervisor at Fort Lauderdale,</p> <p>9 going back to that dealership?</p> <p>10 A. There was several. Greg Cooke was one of</p> <p>11 the part owners and supervisors for many years, Bruce</p> <p>12 Rossmeyer.</p> <p>13 Q. And do you know what the relationship was</p> <p>14 between Greg Cooke and Diane Cooke?</p> <p>15 A. Husband and wife.</p> <p>16 Q. Did Diane Cooke ever work at the</p> <p>17 Fort Lauderdale dealership?</p> <p>18 A. Not that I recall.</p> <p>19 Q. While you were at Fort Lauderdale</p> <p>20 dealership, did you ever have any business</p> <p>21 relationships with DC Imports?</p> <p>22 A. Me, personally, no.</p> <p>23 Q. Did the dealership?</p> <p>24 A. They may have. I'm -- I know that -- that</p> <p>25 Fort Lauderdale had purchased some bikes from them,</p>	<p>10</p> <p>1 Q. Was it exclusively Harley Davidsons?</p> <p>2 A. Yes.</p> <p>3 Q. So you purchased some bikes from European</p> <p>4 dealerships?</p> <p>5 A. Correct. Well, not European Harley</p> <p>6 dealers, but distributors.</p> <p>7 Q. And did you purchase bikes from dealerships</p> <p>8 in the United States?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Which ones did you purchase -- while</p> <p>11 you were working, which Harley Davidson dealerships</p> <p>12 did DC Imports purchase motorcycles from?</p> <p>13 A. The only deal that I recall that I was</p> <p>14 involved in was the purchase of 19 units from Boston</p> <p>15 Harley, that was the only one I was involved with.</p> <p>16 Q. So while you worked at DC Imports,</p> <p>17 DC Imports purchased 19 motorcycles from Boston Harley</p> <p>18 Davidson?</p> <p>19 A. Correct.</p> <p>20 Q. And who would DC Imports sell Harley</p> <p>21 Davidsons to?</p> <p>22 A. Other dealers, aggressive dealers.</p> <p>23 Q. What do you mean by "aggressive dealers"?</p> <p>24 A. Dealers that sell more or above and beyond</p> <p>25 their allocation, that have the market to.</p>
<p>1 but this -- you know, I didn't handle any purchasing,</p> <p>2 so I just know that that was the rumor.</p> <p>3 Q. Do you know how many bikes Fort Lauderdale</p> <p>4 had purchased from DC Imports?</p> <p>5 A. No, not while I was working at</p> <p>6 Fort Lauderdale, no.</p> <p>7 Q. And you left Fort Lauderdale Harley</p> <p>8 Davidson sometime in 2002, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And you went to work for DC Imports?</p> <p>11 A. Right.</p> <p>12 Q. How long did you work for DC Imports?</p> <p>13 A. At best, two months.</p> <p>14 Q. And what was your position at DC Imports?</p> <p>15 A. Buying and selling.</p> <p>16 Q. Buying and selling what?</p> <p>17 A. Purchasing and selling motorcycles.</p> <p>18 Q. And who would you purchase motorcycles</p> <p>19 from?</p> <p>20 A. Everybody. European dealers, Canadian</p> <p>21 dealers, local dealers, national dealers, individuals,</p> <p>22 anybody we could get them from.</p> <p>23 Q. And what type of motorcycles did you</p> <p>24 purchase?</p> <p>25 A. Harley Davidsons.</p>	<p>11</p> <p>1 Q. Did you sell motorcycles to other Harley</p> <p>2 Davidson dealerships?</p> <p>3 A. After market dealers were the only ones</p> <p>4 that I had dealt with other than other than maybe</p> <p>5 Fort Lauderdale.</p> <p>6 Q. Did you deal with Fort Lauderdale Harley</p> <p>7 Davidson while you were employed by DC Imports?</p> <p>8 A. Yeah.</p> <p>9 Q. Can you describe what interaction you had</p> <p>10 in Fort Lauderdale while you were working for</p> <p>11 DC Imports?</p> <p>12 A. We sold Fort Lauderdale several units in</p> <p>13 the past, some used pre-titled European or Canadian</p> <p>14 units.</p> <p>15 Q. Anything else you recall concerning selling</p> <p>16 bikes to Fort Lauderdale Harley Davidson while you</p> <p>17 were employed at DC Imports?</p> <p>18 A. I, personally, no, didn't sell anything</p> <p>19 further than that.</p> <p>20 Q. Do you have any knowledge about anybody</p> <p>21 else at DC Imports selling to Fort Lauderdale Harley</p> <p>22 Davidson while you were employed at DC Imports?</p> <p>23 A. I was under the impression that they were</p> <p>24 going to attempt to sell the Boston Harley bikes to</p> <p>25 Fort Lauderdale, but I didn't witness it or I wasn't</p>

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	14		16
1 involved in it. I had left by then.		1 months that I was there they attempted to become a	
2 Q. And did someone advise you that they were		2 wholesale distributor.	
3 attempting to sell these bikes to the Fort Lauderdale		3 Q. And while you were there, how many people	
4 dealership?		4 worked at DC Imports?	
5 A. Well, they were -- they were in the process		5 A. Six.	
6 of trying to when I was leaving.		6 Q. Does that include Ms. Lunsford and	
7 Q. So when you left DC Imports, DC Imports was		7 Ms. Cooke?	
8 in the process of trying to sell these bikes to		8 A. Yes.	
9 Fort Lauderdale Harley Davidson?		9 Q. And that includes yourself?	
10 A. Correct.		10 A. Yes.	
11 Q. And do you recall when you left DC Imports?		11 Q. Who were the other three, to your	
12 A. Not the exact month, but it was -- like I		12 recollection?	
13 said, if two months, at the longest, was my		13 A. Karen Christensen, Dan Gusoff and Sonia	
14 employment.		14 Paulovich.	
15 Q. Okay. And where were you employed after		15 Q. What was Karen Christensen's position?	
16 you left DC Imports?		16 A. Accountant.	
17 A. I opened my own business.		17 Q. And what was Sonia Paulovich's position?	
18 Q. And what is that called?		18 A. She did registered importation.	
19 A. It's called Dark Hawk Cycles, Incorporated.		19 Q. And what was Dan Gusoff's position?	
20 Q. D-a-r --		20 A. Same as me, sales and purchasing and	
21 A. D-a-r-k, H-a-w-k.		21 selling.	
22 Q. What does Dark Hawk Cycles do?		22 Q. Did you ever go out on the road while you	
23 A. I'm a wholesale distributor.		23 were at DC Imports?	
24 Q. And do you deal with Harley Davidson		24 A. No.	
25 motorcycles?		25 Q. So your job was on the phone?	
	15		17
1 A. Strictly.		1 A. And the computer.	
2 Q. And who do you purchase your motorcycles		2 Q. Prior to working at DC Imports, had you	
3 from?		3 ever heard of the Boston Harley dealership?	
4 A. Everybody.		4 A. I grew up five miles from there.	
5 Q. Can you provide some examples?		5 Q. So you were aware of the Boston Harley	
6 A. I buy used police fleets, rental fleets,		6 dealership?	
7 used bikes, individuals bikes, anywhere.		7 A. Sure.	
8 Q. Since you've been running Dark Hawk, have		8 Q. Had you ever purchased a motorcycle there?	
9 you had any contact with the Boston Harley Davidson		9 A. No.	
10 dealership?		10 Q. Had you ever gone to their store?	
11 A. No.		11 A. Sure.	
12 Q. Have you had any contact with the		12 Q. On how many occasions?	
13 Fort Lauderdale Harley Davidson dealership since you		13 A. Only once in the new store. I used to go	
14 started working at Dark Hawk?		14 there frequently when it was Cycle-Craft in the old	
15 A. Employees. Like I said, I worked there for		15 store.	
16 many years, so I know a lot of employees. On a		16 Q. When did you go there at the new store?	
17 business length, maybe two or three bikes I sold, at		17 A. Probably five years ago when I was visiting	
18 best, individual bikes.		18 family.	
19 Q. Could you just in general describe your		19 Q. Did you know any of their employees?	
20 understanding of what the business of DC Imports was		20 A. Back then, no. Actually, I don't -- I've	
21 while you worked there?		21 only spoken to one of their employees ever, and I've	
22 A. They were two entities, they were a		22 never actually met them.	
23 registered importer of - of all vehicles, as well as		23 Q. And who was that that you talked with?	
24 automobiles, motorcycles, et cetera. And then for a		24 A. Ron Buchbaum.	
25 short amount of time, actually, probably in the two		25 Q. And was that while you were employed at	

5 (Pages 14 to 17)

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	18	1 A. Initially, he did not want to sell any of 2 his police bikes or used bikes, because they had -- 3 they were retailing them pretty successfully. 4 Q. And was that your first conversation with 5 Mr. Buchbaum? 6 A. Right. 7 Q. Did you have a subsequent conversation with 8 Mr. Buchbaum? 9 A. Yeah. 10 Q. How long after the first conversation do 11 you have another conversation with Mr. Buchbaum? 12 A. I mean, I'm speculating, maybe a week. 13 Q. Okay. And on the second conversation, did 14 he call you or did you call him back? 15 A. I called him. 16 Q. Okay. And what did you discuss during that 17 second conversation? 18 A. I offered to purchase new units, I would 19 take as many as he would sell and whatever he wanted 20 to sell. 21 Q. Okay. And during this conversation, did 22 you advise Mr. Buchbaum that you worked for 23 DC Imports? 24 A. Yes. 25 Q. Okay. And during your first conversation,	20
	19	1 A. telephone number? 2 Q. So you looked on the Internet, correct? 3 A. Initially - initially, I wanted to purchase 4 police return fleets. Boston Harley has quite a large 5 return fleet. We at Fort Lauderdale was -- is the 6 biggest police fleet. Boston is probably fourth or 7 fifth behind other dealers, so, originally, that was 8 the -- that was the initial phone call. 9 Q. Okay. 10 MR. REHNQUIST: Do we have a time frame on 11 this, Bill? 12 Q. Do you recall when you called Mr. Buchbaum? 13 A. Sometime in 2002, I mean, I don't have the 14 exact month. 15 Q. And we may look at some documents that may 16 refresh your memory -- 17 A. Sure. 18 Q. -- the year may be different than what 19 we -- 20 A. It may be, yeah. 21 Q. So you called Mr. Buchbaum up and you 22 wanted to purchase units? 23 A. Right. 24 Q. How did he respond?	21 1 did you advise Mr. Buchbaum that you worked for 2 DC Imports? 3 A. Yes. 4 Q. Okay. And did you -- did Mr. Buchbaum -- 5 did you describe what DC Imports was? 6 A. Yeah. 7 Q. Okay. What did you tell Mr. Buchbaum about 8 DC Imports? 9 A. That we were wholesalers and registered 10 importers. 11 Q. And how did Mr. Buchbaum respond? 12 A. I can't remember. 13 Q. Okay. Did he ask any other questions about 14 DC Imports? 15 A. I'm sure he did. I don't -- I mean, I 16 don't remember offhand. 17 Q. Okay. So when you advised that you wanted 18 to purchase new motorcycles from Boston Harley 19 Davidson, how did Mr. Buchbaum respond? 20 A. He said he would look into it and get back 21 to me. 22 Q. Anything else you recall from that second 23 conversation? 24 A. Not really, no. 25 Q. Okay. Did you have a subsequent

6 (Pages 18 to 21)

<p>1 conversation with Mr. Buchbaum?</p> <p>2 A. I did.</p> <p>3 Q. And how long after the second conversation</p> <p>4 did you talk with Mr. Buchbaum?</p> <p>5 A. Again, I'm probably guessing, but I would</p> <p>6 say within a short time frame, several days.</p> <p>7 Q. And did he call you or did you call him?</p> <p>8 A. He contacted me.</p> <p>9 Q. And what did he tell you during this third</p> <p>10 conversation?</p> <p>11 A. That if I was interested in buying a large</p> <p>12 amount of Sportsters, he would sell me some other</p> <p>13 units in a package deal.</p> <p>14 Q. And these were new Harley Davidson</p> <p>15 motorcycles?</p> <p>16 A. Yes, they were.</p> <p>17 Q. And he advised that Boston Harley was</p> <p>18 willing to sell these new motorcycles to DC Imports?</p> <p>19 A. He said he was willing to. I don't know</p> <p>20 if -- I mean, I'm sure they're coming from Boston</p> <p>21 Harley, but...</p> <p>22 Q. Do you recall what Mr. Buchbaum's title was</p> <p>23 at Boston Harley?</p> <p>24 A. He was either sales or general manager, one</p> <p>25 of the -- one of those, GSM, somewhere in that.</p>	<p>22</p> <p>1 or both?</p> <p>2 A. Both.</p> <p>3 Q. So Miss Lunsford and Miss Cooke called you</p> <p>4 back and said to go ahead and purchase the motorcycles</p> <p>5 from Boston Harley Davidson?</p> <p>6 A. Correct.</p> <p>7 Q. And after you talked with Miss Lunsford and</p> <p>8 Miss Cooke, did you have a subsequent conversation</p> <p>9 with Mr. Buchbaum?</p> <p>10 A. Yes. I told him that we would have a deal.</p> <p>11 Q. And how did Mr. Buchbaum respond?</p> <p>12 A. He said that it wouldn't be a problem. I</p> <p>13 told him that funds would come through Miss Cooke and</p> <p>14 Miss Lunsford would handle all funding for the units,</p> <p>15 and basically he told me he just needed individual</p> <p>16 names for each SRW.</p> <p>17 Q. And what is an SRW or SWR?</p> <p>18 A. It's a Harley Davidson warranty form,</p> <p>19 basically stating that the bike is purchased in that</p> <p>20 individual's name.</p> <p>21 Q. So Mr. Buchbaum advised you that he needed</p> <p>22 individual names for each SWR?</p> <p>23 A. And that would be the only way we could</p> <p>24 purchase the bikes.</p> <p>25 Q. Okay. But you advised him that DC Imports</p>
<p>23</p> <p>1 Q. Okay. So he advised you that Boston Harley</p> <p>2 was willing to sell new motorcycles to DC Imports?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Did he advise how many motorcycles</p> <p>5 he was willing to sell?</p> <p>6 A. 19.</p> <p>7 Q. And how did you respond once he advised you</p> <p>8 that he was willing to sell 19 new motorcycles to</p> <p>9 DC Imports?</p> <p>10 A. I brought it to the attention of the owners</p> <p>11 of DC Imports and they told me that we would do it.</p> <p>12 Q. And you brought it to the attention of Miss</p> <p>13 Lunsford?</p> <p>14 A. And Miss Cooke.</p> <p>15 Q. And were they together or separate when</p> <p>16 you --</p> <p>17 A. Together.</p> <p>18 Q. And how did they respond?</p> <p>19 A. They said they wanted to talk to a few</p> <p>20 people about it and call me right back.</p> <p>21 Q. Okay. And did they call you right back?</p> <p>22 A. Yep.</p> <p>23 Q. And what did they advise?</p> <p>24 A. To purchase.</p> <p>25 Q. And was that from Miss Lunsford, Miss Cooke</p>	<p>23</p> <p>1 was the entity that was actually going to purchase the</p> <p>2 motorcycles?</p> <p>3 MR. REHNQUIST: Objection, leading.</p> <p>4 Q. You can answer it.</p> <p>5 A. Yeah. I mean, he -- I told him the first</p> <p>6 two conversations. I'm sure he knew it was DC Imports</p> <p>7 that was making the purchases.</p> <p>8 Q. So during the first two conversations you</p> <p>9 did advise Mr. Buchbaum that DC Imports was the entity</p> <p>10 purchasing the motorcycles?</p> <p>11 MR. REHNQUIST: Objection, leading.</p> <p>12 A. Yes.</p> <p>13 Q. And how did -- what did you say to</p> <p>14 Mr. Buchbaum after he advised you he needed individual</p> <p>15 names for the SWRs?</p> <p>16 A. That I would speak to Miss Lunsford and</p> <p>17 Cooke and see what I could come up with.</p> <p>18 Q. Okay. And did you talk with Miss Lunsford</p> <p>19 and Miss Cooke?</p> <p>20 A. I did.</p> <p>21 Q. And can you recall that conversation with</p> <p>22 me -- for me?</p> <p>23 A. We compiled a list of -- including</p> <p>24 ourselves and friends and family to amount to 19</p> <p>25 names.</p>

<p>1 Q. You were one of those 19 names? 26</p> <p>2 A. I was.</p> <p>3 Q. Did you have any intention of buying a 4 motorcycle yourself?</p> <p>5 A. No. I had two at the time.</p> <p>6 Q. Okay. So why did you use your name?</p> <p>7 A. In order to purchase the bikes to make 8 money.</p> <p>9 Q. In order for DC Imports to purchase the 10 bikes?</p> <p>11 A. Correct.</p> <p>12 MR. REHNQUIST: Objection.</p> <p>13 Q. Do you recall what other names that you 14 used?</p> <p>15 A. Everybody in the office, all six employees.</p> <p>16 Q. And then you had to come up 13 other 17 individuals' names?</p> <p>18 A. Correct.</p> <p>19 Q. How did you get those other 13?</p> <p>20 A. Friends and relatives.</p> <p>21 Q. Any of your friends or relatives?</p> <p>22 A. Yeah, my mother, my grandfather.</p> <p>23 Q. What was your mother's name?</p> <p>24 A. Caroline Cagnina.</p> <p>25 Q. And what was your grandfather's name?</p>	<p>1 Q. After Mr. Buchbaum advised you that he 2 needed individual names for the SWRs, did you have a 3 subsequent conversation with Mr. Buchbaum?</p> <p>4 A. Once I had compiled the list of 19 names, 5 yes.</p> <p>6 Q. Can you recall that conversation for me?</p> <p>7 A. Basically just handling the formalities.</p> <p>8 He told us what he would be sending us, how to fill 9 out the warranty forms, what had to be signed where 10 and that was basically all I handled on my end.</p> <p>11 Q. So Mr. Buchbaum advised you that he would 12 be sending you warranty forms?</p> <p>13 A. Warranty forms and new bike purchase 14 orders.</p> <p>15 Q. So the warranty forms, Mr. Buchbaum advised 16 you he'd send you the SWRs?</p> <p>17 MR. REHNQUIST: Objection.</p> <p>18 A. The ones that - the forms that the 19 customer's supposed to sign.</p> <p>20 Q. Okay. And what else did he advise that he 21 would send down to you?</p> <p>22 A. The buyer's order.</p> <p>23 Q. Okay. And did he advise what he wanted 24 DC Imports to do with these forms?</p> <p>25 A. He had told me where each individual should</p>
<p>1 A. Edward Stevens. 27</p> <p>2 Q. Did your mother have any intention of 3 purchasing a motorcycle?</p> <p>4 A. No.</p> <p>5 Q. Did she provide any funds to purchase these 6 motorcycles?</p> <p>7 A. No.</p> <p>8 Q. Did your grandfather have any intention of 9 purchasing a motorcycle?</p> <p>10 A. No.</p> <p>11 Q. Did he provide any funds to purchase a 12 motorcycle?</p> <p>13 A. No.</p> <p>14 Q. And did you provide any funds to purchase 15 any motorcycle?</p> <p>16 A. No.</p> <p>17 Q. Where did the funds come from, if you 18 recall?</p> <p>19 A. DC Imports.</p> <p>20 Q. Any other of your relatives' names that you 21 used besides your mother and grandfather?</p> <p>22 A. No.</p> <p>23 Q. Did you use any of your friends' names?</p> <p>24 A. No. They used their friends and family for 25 the rest.</p>	<p>1 sign and he highlighted the areas, or had somebody 2 highlight them and mail them to me. 29</p> <p>3 Q. And so did you receive warranty forms from 4 Boston Harley Davidson?</p> <p>5 A. I did.</p> <p>6 Q. And was there a cover note with them?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you recall that they were highlighted?</p> <p>9 A. I believe, yeah.</p> <p>10 Q. And what was the significance of the 11 highlighting?</p> <p>12 MR. REHNQUIST: Objection, foundation.</p> <p>13 A. To verify where to sign.</p> <p>14 Q. And did Mr. Buchbaum advise you that's 15 where the customers should sign their names?</p> <p>16 A. He had told me that he was going to mark 17 where - where they should be signed and printed.</p> <p>18 Q. And once you got these forms from Boston 19 Harley Davidson, what did you do with them?</p> <p>20 A. Had each individual fill them out.</p> <p>21 Q. And did you fill one out yourself?</p> <p>22 A. I did.</p> <p>23 Q. And after you filled out these forms, what 24 did you do with them?</p> <p>25 A. Overnighted them back to Mr. Buchbaum.</p>

<p>1 Q. And did you have a cover note with those 2 SWRs?</p> <p>3 A. I don't remember.</p> <p>4 Q. And did you send them by Federal Express or 5 some other overnight service?</p> <p>6 A. One of them. One. I'm not positive who we 7 used at the time.</p> <p>8 Q. Do you recall what else you sent back to 9 Boston Harley Davidson?</p> <p>10 A. That was it. That's all I sent back.</p> <p>11 Q. Did you have any conversations with 12 Mr. Buchbaum between the time that he sent you the 13 warranty forms and the time that you sent them back to 14 him?</p> <p>15 A. No, not until he received them.</p> <p>16 Q. And then once he received them, did he give 17 you a call?</p> <p>18 A. Either he called me or I called him. I'm 19 not a hundred percent sure, but I know we were trying 20 to establish shipping, how we were going to ship the 21 units.</p> <p>22 Q. So you had another conversation with 23 Mr. Buchbaum. Did he advise you he had received the 24 SWRs?</p> <p>25 A. He did.</p>	<p>30</p> <p>1 Q. So you had another conversation with 2 Mr. Buchbaum in which he advised that the bikes were 3 being shipped?</p> <p>4 A. The bikes had been picked up. Most likely 5 I probably followed up and contacted him.</p> <p>6 Q. And what do you recall about Mr. Buchbaum 7 advised you?</p> <p>8 MR. REHNQUIST: Objection.</p> <p>9 A. I don't really - just probably that the 10 bikes had left the dealership.</p> <p>11 Q. Do you recall any conversations you had 12 with Mr. Buchbaum concerning what DC Imports wanted to 13 do with these 19 motorcycles?</p> <p>14 MR. REHNQUIST: Objection.</p> <p>15 A. No.</p> <p>16 Q. Did you have any further conversations with 17 Mr. Buchbaum?</p> <p>18 A. Not that I can recall.</p> <p>19 Q. Did you ever have any conversations 20 concerning the price for these motorcycles?</p> <p>21 A. Yes.</p> <p>22 Q. And was that with Mr. Buchbaum?</p> <p>23 A. Yes.</p> <p>24 Q. Can you describe what those conversations 25 entailed?</p>
<p>1 Q. And what else did you discuss during that 2 conversation?</p> <p>3 A. How we were going to go about shipping the 4 units to Florida.</p> <p>5 Q. And where would the units be shipped to?</p> <p>6 A. DC Imports.</p> <p>7 Q. And did you advise Mr. Buchbaum to ship the 8 units to DC Imports?</p> <p>9 A. We subcontracted the shipping company.</p> <p>10 Q. And did you advise Mr. Buchbaum what the 11 shipping company was?</p> <p>12 A. I believe I did.</p> <p>13 Q. And do you recall who you used?</p> <p>14 A. I'm not sure. We used several people back 15 then, so I'm not a hundred percent sure who we used at 16 the time.</p> <p>17 Q. And anything else you can recall from that 18 conversation with Mr. Buchbaum?</p> <p>19 A. No, not offhand.</p> <p>20 Q. Did you have another conversation with 21 Mr. Buchbaum after that?</p> <p>22 A. I believe just in regards to the bikes 23 being shipped, leaving the dealership.</p> <p>24 Q. And did he call you or did you call him?</p> <p>25 A. I don't remember.</p>	<p>31</p> <p>1 A. I made him an initial offer in the earlier 2 phone calls for the bikes. Once he had told me he 3 would sell them to us, I made him an offer on the 4 units.</p> <p>5 Q. So once Mr. Buchbaum advised that he would 6 sell the 19 motorcycles to DC Imports, you made 7 initial offer?</p> <p>8 MR. REHNQUIST: Objection, leading.</p> <p>9 A. Right.</p> <p>10 Q. And do you recall what that initial offer 11 was?</p> <p>12 A. I'm not a hundred percent sure, but was 13 somewhere around MSRP.</p> <p>14 Q. And how did Mr. Buchbaum respond?</p> <p>15 A. He needed to contact me back in order to 16 verify that he could make the deal.</p> <p>17 Q. And during a subsequent conversation, did 18 he verify the price for you?</p> <p>19 A. We agreed on the deal, and he believe -- I 20 believe he faxed to me a price sheet.</p> <p>21 Q. So you received a fax from Boston Harley 22 Davidson, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And what was included in that fax?</p> <p>25 A. Just the models and the colors and the</p>

<p>1 prices. I think maybe the VIN numbers, but don't 2 quote me.</p> <p>3 Q. Was it a one-page fax?</p> <p>4 A. One page.</p> <p>5 Q. Was there a cover note on that fax?</p> <p>6 A. I don't believe so.</p> <p>7 Q. Anything else that you recall that was on 8 that fax?</p> <p>9 A. No, just models, information, basically, 10 and price.</p> <p>11 Q. So there was a price for each of the 12 individual 19 bikes that Boston Harley was going to 13 sell to DC Imports?</p> <p>14 A. Correct.</p> <p>15 Q. And that was a price that you had agreed 16 with Mr. Buchbaum on?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Did you have any conversations with 19 Mr. Buchbaum concerning the payment for the bikes?</p> <p>20 A. Only that I explained that the two owners 21 at DC Imports would handle payment.</p> <p>22 Q. Did you discuss with them how he wanted 23 payment to be handled?</p> <p>24 A. I didn't discuss with him, but from what I 25 understand it was a wire transfer, I believe, I may be</p>	<p>34</p> <p>1 Mr. Buchbaum concerning what DC Imports was going to 2 do with the 19 motorcycles?</p> <p>3 MR. REHNQUIST: Objection, asked and 4 answered. He already testified that he didn't.</p> <p>5 A. No.</p> <p>6 Q. Any other documents that you recall 7 receiving from Boston Harley Davidson?</p> <p>8 A. I don't think they came from Boston Harley, 9 but we received individual H.O.G. member packages.</p> <p>10 Q. And where did those come from?</p> <p>11 A. I believe the motor company.</p> <p>12 Q. Anything else you recall receiving from 13 Boston Harley Davidson, the dealership?</p> <p>14 A. No.</p> <p>15 Q. And anything else you recall sending to 16 Boston Harley Davidson from DC Imports?</p> <p>17 MR. REHNQUIST: You meaning, I mean him 18 personally?</p> <p>19 Q. So, you, personally.</p> <p>20 A. No.</p> <p>21 Q. Do you recall anything that DC Imports, the 22 entity, sent to Boston Harley Davidson?</p> <p>23 A. No, I don't recall.</p> <p>24 Q. Did you see any letters that DC Imports 25 sent to Boston Harley Davidson?</p>
<p>35</p> <p>1 wrong. It's been awhile, so...</p> <p>2 Q. Did you have any conversations with either 3 Ms. Lunsford or Ms. Cooke concerning payment to Boston 4 Harley Davidson?</p> <p>5 A. Only to verify that it was made.</p> <p>6 Q. And did you have any conversations with Gus 7 about payment?</p> <p>8 A. Not that I remember.</p> <p>9 Q. Besides -- and I might have asked you this 10 before -- besides Mr. Buchbaum, did you have any 11 conversations with any other representative of Boston 12 Harley Davidson?</p> <p>13 A. No.</p> <p>14 Q. Do you recall any other conversations you 15 had with Mr. Buchbaum concerning the structure of the 16 deal?</p> <p>17 MR. REHNQUIST: Object to the form.</p> <p>18 A. No.</p> <p>19 Q. Did you have any conversations with 20 Mr. Buchbaum concerning why Boston Harley wanted to 21 sell motorcycles to DC Imports?</p> <p>22 MR. REHNQUIST: Object to the form, 23 foundation.</p> <p>24 A. No, I don't, I don't believe so.</p> <p>25 Q. Do you recall having a conversation with</p>	<p>37</p> <p>1 A. Not that I remember, no.</p> <p>2 Q. What involvement did you have in gathering 3 the paperwork to send to Boston Harley Davidson?</p> <p>4 MR. REHNQUIST: Object to the form. What 5 do you mean by paperwork?</p> <p>6 A. Just the forms that I needed to handle to 7 get signed by me and my family, and then I collected 8 everything from everybody who had done the same and 9 overnighted it.</p> <p>10 Q. And did DC Imports receive the 19 11 motorcycles from Boston Harley Davidson?</p> <p>12 A. They did, yes.</p> <p>13 Q. And do you know what DC Imports did with 14 these motorcycles?</p> <p>15 A. They were in the warehouse when I left the 16 company.</p>

	58	1 Q. You testified in response to Mr. Benson's 2 questions that you worked for DC Imports for probably 3 a total of about two months? 4 A. Roughly, yeah. 5 Q. And that you left within, you know, a few 6 weeks of this Boston Harley Davidson transaction? 7 A. A few weeks after receiving the units, yes. 8 Q. So do you recall if you -- do you recall if 9 you started working at DC Imports, you know, sometime 10 during the summer of '03, does that sound right? 11 A. That's about right, probably. 12 Q. And why did you -- why did you come to work 13 at DC Imports? 14 A. I was offered the position for substantial 15 more money than I was making in sales at 16 Fort Lauderdale, or at least that was the picture they 17 painted. 18 Q. And did that picture prove not to be as 19 painted? 20 A. There was no paint. 21 Q. There was no paint. Can you tell me a 22 little bit about that? I mean, first of all, was the 23 connection to DC Imports through Greg Cooke? 24 A. Correct. 25 Q. Okay. And was he the one who talked to you	60
	59	1 about going to work for DC Imports or -- 2 A. He had told me that they were interested in 3 opening a wholesale department. He knows that I know 4 quite a bit about the business; so he had -- he said 5 maybe my wife might be interested in hiring you if 6 you're interested. 7 Q. And did you come to talk to Diane Cooke 8 sometime after that? 9 A. Yeah, I did. 10 Q. And tell me what you remember about that 11 conversation. 12 A. She offered me and Mr. Gusoff at the same 13 time a position to come and work for her and build a 14 wholesale department attached to their registered 15 importation business. 16 Q. So was the idea that this was going to be 17 DC Imports sort of moving into a new line of business? 18 A. Correct. 19 Q. And when you say a wholesale department, 20 what do you mean? 21 A. Purchasing bikes and selling them from -- 22 at a wholesale, used, pre-titled, things to that 23 effect, foreign units. 24 Q. Not a Harley Davidson franchise but -- 25 A. No.	61

16 (Pages 58 to 61)

<p>1 Q. When you say wholesale, you mean dealing 2 with units that have been, you know, previously -- 3 A. Brokering. 4 Q. -- previously sold? And did she tell you 5 anything about why she wanted to go into this line of 6 business? 7 A. Just because of the amount of importation 8 and - that she does and the units stay in her 9 warehouse for a good period of time, available for 10 sale, so she thought it would be a great idea to 11 implement those bikes into sale as well as maybe 12 purchase others and take it from there. 13 Q. And was the idea that you were going to be 14 selling the Harley Davidsons to individuals or to 15 other businesses? 16 A. We sold to everybody. 17 Q. To anybody who would buy? 18 A. Yeah. 19 Q. And what did she -- what did she represent 20 to you about the terms of your employment and about 21 the financial condition of the company when you spoke 22 to her? 23 A. We just -- I mean, we had agreed to -- to 24 percentage of commissions for units of bikes per unit 25 or bodies of bikes, depending on the deals.</p>	<p>62</p> <p>1 A. The smaller ones, I received. The larger 2 ones were basically put off till funds were brought 3 back into the company or - funds were shifted or bikes 4 were sold, basically. 5 Q. So was -- was there a delay in receiving 6 your commission payments? 7 A. Several. 8 Q. And did -- were there some commission 9 payments that you didn't receive at all? 10 A. Yes. 11 Q. And was the commission payment on the 12 Boston Harley Davidson deal one of them? 13 A. Yes. 14 Q. And were there others? 15 A. There were -- there were several other 16 smaller deals that got minimized. We were paid, but 17 paid nowhere near what we were supposed to make. 18 Q. What was the percentage you were supposed 19 to make? 20 A. There was -- it varied on -- somewhere in 21 the park of, I believe, 20 percent, 20 to 25 percent 22 of the overall profit. 23 Q. On the -- on the individual unit? 24 A. On the sales and on the individual unit. 25 On the purchase units, we would get different. If we</p>
<p>1 Q. And did she say anything to you about the 2 sort of the financial health or the business of 3 DC Imports? 4 A. No. From what I understand, they were 5 fairly healthy. 6 Q. Did you learn differently once you came to 7 work there? 8 A. Not necessarily, not necessarily the 9 finances of the company, but -- but in how they paid 10 their employees. 11 Q. And what did you learn about that? 12 A. We had -- we, meaning me and Mr. Gusoff, 13 had basically survived off of draws waiting for our 14 major commissions to be paid to us which kept being 15 put on the back burner, back burner. And then the 16 final deal was this, which we did not get paid for 17 either. 18 Q. So you got a -- your salary was based on a 19 weekly or a monthly draw with the commissions to come 20 after you made sales? 21 A. Right, from purchases and sales. 22 Q. So did -- you know, prior to this 23 transaction that we're talking about today, did you 24 sell bikes and not receive commissions that were due 25 you?</p>	<p>63</p> <p>1 purchased in large quantities, we would get a 2 percentage of the purchase and then the sale. 3 Q. Okay. And did you complain to either Miss 4 Lunsford or Miss Cooke about not getting your 5 commission payments in a -- in a timely -- on a timely 6 basis? 7 A. At first, I understand that they were 8 trying to put a business together, so I was -- I was 9 compliant for first several weeks, but in the last 10 month that I was there, I did. 11 Q. And what did they tell you? 12 A. That they would work everything out and 13 settle it and get us paid, and basically... 14 Q. Do you believe they were telling you the 15 truth? 16 MR. BENSON: Objection to form. 17 A. No. 18 Q. Why not? 19 A. I don't believe anybody. I don't trust 20 many people, so until they -- until I actually receive 21 the money, I don't really believe it, no. 22 Q. And I gather you're saying here with 23 respect to certain deals you never did receive the 24 money? 25 A. We did up until the -- until this last</p>

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1 deal, but it was -- they basically skimmed it down to,
2 you know, with chargebacks and various write-offs, the
3 deals were not what they were supposed to be.
4 Q. Did you complain to Miss Lunsford as well
5 as Miss Cooke?
6 A. Yes.

68

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18 (Pages 66 to 69)

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13 Q. Now, your initial overture to Mr. Buchbaum
14 was about the purchase of used police bicycles, is
15 that right?

16 A. And used - and used motorcycles in general,
17 if they wanted to sell any of their inventory.

18 Q. Okay. And at some point down the road in a
19 subsequent conversation you began to discuss with him
20 the purchase of new motorcycles?

21 A. Correct.

22 Q. And do you recall the first time you and
23 Mr. Buchbaum discussed the purchase of new motorcycles
24 if there was a discussion at that time of price?

25 A. I don't think we discussed price until we

1 confirmed that we could purchase bikes.

2 Q. Okay. And I think you testified that

3 Mr. Buchbaum said in one of these conversations about

4 new motorcycles that the motorcycles would have to be

5 sold to individuals?

6 MR. BENSON: Objection.

7 A. Correct.

8 MR. BENSON: That's misleading his

9 testimony.

10 A. He did. He did. That was the only way he

11 would sell them to us, was if we put them in

12 individual names.

13 Q. And you proceeded to supply him with

14 certain documents?

15 A. He supplied me with the documents. I

16 filled them out. We filled them out.

17 Q. Okay. And you testified about some of

18 those documents today. I believe you testified that

19 Exhibit 3, the bills of sale, that these were

20 documents that in their completed form you sent back

21 to Mr. Buchbaum, is that right?

22 A. Correct.

23 Q. And you had the individual -- the

24 individuals who are listed as the purchaser sign the

25 signature line at the bottom of these forms, is that

20 (Pages 74 to 77)

<p>1 correct? 2 A. Correct. 3 MR. BENSON: Objection. I don't know if he 4 testified to each single form. 5 Q. Well, do you recall if -- let me just make 6 sure I understand this. You received the bills of 7 sale that are set forth in Exhibit 3 in an unsigned 8 form from Mr. Buchbaum, is that correct? 9 A. Right, which is motorcycle and price 10 information. 11 Q. Okay. And that would be -- just to look at 12 the first page of Exhibit 3, that would be the -- 13 A. From make, from the make, Harley Davidson 14 all the way down to the price. 15 Q. And it would not include the top three 16 lines that gives information about the purchaser then? 17 A. Right. A lot of those, either the 18 individual or myself filled out the information. 19 Q. And again, the form in which you received 20 these documents from Mr. Buchbaum would not include a 21 signature at the bottom? 22 A. Right. Individuals signed them. 23 Q. And I believe you testified that the 24 documents that you returned to Mr. Buchbaum were in 25 this form, where they had the individual signatures on</p>	<p>78 1 Q. Okay. And looking at Stevens Exhibit 2, 2 the SWR forms, was the procedure essentially the same 3 with respect to the SWR forms? 4 A. Yes. 5 Q. In other words, the -- you received these 6 from -- from Boston Harley Davidson in -- with the 7 typed-in information that gives information about the 8 motorcycle? 9 A. Correct. 10 Q. And then you filled in the information 11 about the purchaser and the signatures were obtained 12 by the relevant employee? 13 A. Right. 14 Q. And so, when you testified earlier about 15 the forms that you sent back to Boston Harley 16 Davidson, it was these two forms? 17 A. Correct. 18 Q. The bills of sale and the SWRs that are put 19 together here as Exhibit 2 and 3? 20 A. Right. 21 Q. Now, did you also have any involvement in 22 getting photocopies of driver's licenses to send to 23 Boston Harley Davidson? 24 A. I received mine, my grandfather's and my 25 mother's, everybody else knew that they had to get the</p>
<p>79 1 the bottom and the individual purchaser information on 2 the top? 3 A. Correct. 4 Q. And you were the one who -- let me just ask 5 you. I can't remember if you said this or not. 6 Were you involved in obtaining the 7 individual signatures that you can see on the bottom 8 of Stevens Exhibit 3? 9 A. Only the personal ones, my family and 10 myself. The rest are the employees there got the 11 signatures and information from the people who they 12 knew. 13 Q. Okay. And did they then return the 14 completed forms to you? 15 A. Yes. 16 Q. And then you sent the packet of completed 17 forms back to Mr. Buchbaum? 18 A. Right, both the warranty and the bill of 19 sale forms. 20 Q. Do you know -- do you know who else was 21 involved in getting the signatures and the purchaser 22 information on these forms besides you? 23 A. All the employees at DC Imports. 24 Q. So everybody was sort of responsible for -- 25 A. Had at least one or two.</p>	<p>80 1 photocopies along with the signatures when they 2 returned them to me. 3 Q. Okay. And were those -- were those 4 photocopied driver's license part of the information 5 that you included -- 6 A. In the package. 7 Q. -- in the package that you sent back to 8 Mr. Buchbaum? 9 A. Right.</p>